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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,958	12/19/2001	Hong Thi Nguyen	36968.262343 (BS01261)	5325
23552	7590	11/07/2003	EXAMINER	
MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903			KNOWLIN, THJUAN P	
			ART UNIT	PAPER NUMBER
			2642	9

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

KS

# Office Action Summary

Application No.

10/028,958

Applicant(s)

NGUYEN ET AL.

Examiner

Thjuan P Knowlin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

During the interview on 10/16/03, between Examiner and Applicant, Applicant argued that Larson et al (US 5,907,324) does not teach, "playing an option to accept or refuse a connection to the conference." After further consideration, Examiner agreed with this argument. Applicant's request for reconsideration of the finality of the rejection of the last Office action (paper #8, 8/25/03) is persuasive and, therefore, the finality of that action is withdrawn.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larson et al (US 5,907,324), in view of Fitser et al (US 5,631,904).
2. In regards to claims 1, 16, and 17, Larson discloses a method of automatically establishing a conference (col. 2 lines 52-56 and col. 2-3 lines 63-4) comprising the steps of: receiving conference logistics; receiving participant profile data; allocating a conference bridge port in accordance with the conference logistics; dialing a telephone number in accordance with the conference logistics and the profile data; and connecting a communications switch port to the allocated conference bridge port (col. 1-2 lines 58-15). Larson, however, does not disclose playing an option to accept or refuse a

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connection to the conference. Fitser, however, does disclose playing an option to accept or refuse a connection to the conference (col. 6-7 lines 66-12). Therefore, it would have been obvious for one of ordinary skill in the art at the time of the invention to employ the method with the feature of playing an option to accept or refuse a connection to the conference, as a way of providing to the called party, the choice of whether or not to join the conference. At the time of the invite to the conference, the called party may be busy or unable to join the conference for a number of reasons, and by being able to accept or refuse the connection, the called party is allowed to make that decision of whether or not he or she is able to participate in the conference.

3. In regards to claims 2, 10, 18, and 26, Larson discloses the method, wherein the conference logistics comprises a start date, a connect time, (col. 7 lines 4-16) and a conference participant address (col. 7 lines 37-42).

4. In regards to claims 3 and 19, Larson discloses the method, wherein the participant profile data comprises a current address (col. 2 lines 4-7).

5. In regards to claims 4, 6, and 20, Larson discloses the method, wherein allocating a bridge port is performed in accordance with the current address (col. 2 lines 4-19 and col. 12 lines 12-17).

6. In regards to claims 5 and 21, Larson discloses the method, further comprising updating the conference participant address with the current address (col. 11-12 lines 54-3, col. 12 lines 12-17, and col. 12 lines 27-39).

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7. In regards to claims 7 and 23, Larson discloses the method, wherein the participant profile data comprises at least two of a current address, a home address, an office address, and a wireless address (col. 7 lines 37-42).

8. In regards to claims 8, 22, and 24, Larson discloses the method, wherein the communications switch comprises a telephone switch (col. 1 lines 14-18 and col. 1 lines 28-33).

9. In regards to claims 9 and 25, Larson discloses the method, wherein the conference participant address and the current address each comprise a telephone number (col. 2 lines 4-11 and col. 7 lines 37-49).

10. In regards to claims 11 and 27, Larson discloses the method, wherein the conference participant address comprises an Internet Protocol (IP) address (col. 7 lines 37-42).

11. In regards to claims 12, 15, 28, and 31, Larson discloses all of claims 12, 15, 28, and 31 limitations except, the method, wherein receiving conference logistics comprises receiving subscriber input to a DTMF menu. Fitser, however does disclose the method, wherein receiving conference logistics comprises receiving subscriber input to a DTMF menu (col. 3-4 lines 49-8, col. 4 lines 52-59, and col. 6-7 lines 66-12).

12. In regards to claims 13 and 29, Larson discloses the method, wherein receiving conference logistics, comprises receiving a formatted file, comprising labeled conference provisioning information (col. 2 lines 41-62 and col. 6 lines 37-50).

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13. In regards to claims 14 and 30, Larson discloses the method, wherein receiving conference logistics comprises receiving subscriber input to a form displayed on a client device (col. Fig. 1, Fig. 3, col. 5 lines 4-29, and col. 5-6 lines 58-19).

### ***Response to Arguments***

14. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Malik (US 6,327,356) teaches call forwarding on busy or no answer when call waiting is active.

16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

17. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thjuan P Knowlin whose telephone number is (703)

308-1727. The examiner can normally be reached on Mon-Fri 8:00-4:30pm.

19. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703)305-4731. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

20. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

Thjuan P. Knowlin  
October 20, 2003

  
AHMAD MATAR  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600